



11 OCT 12 P 11:55 STATE PROCUREMENT OFFICE 12 P 1:55
**NOTICE OF AND REQUEST FOR EXEMPTION
 FROM CHAPTER 103D, HRS**

STATE PROCUREMENT OFFICE
 STATE OF HAWAII

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- 1. TO: Chief Procurement Officer
- 2. FROM: DLNR/DAR

Department/Division/Agency

Pursuant to §103D-102(b)(4), HRS, and Chapter 3-120, HAR, the Department requests a procurement exemption to purchase the following:

3. Description of goods, services or construction:
 Fuel for Hawaiian Islands Humpback Whale Sanctuary vessels to conduct emergency response and assessment operations on Maui during whale season. Procurement is for \$8,000 of SUL Gasoline fuel for the federal (NOAA) vessel HIHIMANU for the period of Dec 1 2010 - July 1 2010. The purchase of supreme fuel is required to maintain the engine's manufacturer warranty. The vessel is the main rescue response vessel for NOAA's Hawaiian Islands Humpback Whale National Marine Sanctuary. Average sea day cost is \$200 x 40 anticipated seadays = \$8,000.

4. Name of Vendor: Mid Pac Petroleum Address: 677 Ala Moana Blvd Suite 635 Honolulu, HI 96813	5. Price: \$8,000
6. Term of Contract: From: 10/1/11 1/21/12 <i>ok Per Sarah.</i> To: 5/31/12	7. Prior Exemption Ref. No. 11-056-D <i>ok</i>

8. Explanation describing how procurement by competitive means is either not practicable or not advantageous to the State:
 Fueling at any gas station on Maui is not practical for the Sanctuary vessel because the primary vessel operators are federal employees and have no state purchase card to buy the gas. It is also not practicable because the vessel is kept in the water at Ma'alaea harbor and is not able to be pulled out and taken to a select gas station. The Ma'alaea 76 (15 Kapoli St Wailuku HI 96793) station is the only 24/7 fuel station supplying the harbor and as such the only station available to fuel the vessel. The Sanctuary is co-managed between the State and Federal government. All fuel purchases will be made using 100% federal funds under the contract between DLNR-DAR and NOAA (acct code 952).

9. Details of the process or procedures to be followed in selecting the vendor to ensure maximum fair and open competition as practicable:
 The Sanctuary fuel purchase will be made with federal funds from NOAA. The vendor will be chosen based on location.

10. A description of the agency's internal controls and approval requirements for the exempted procurement:
 The Sanctuary operations coordinator (or planner/policy analyst until the position is filled) will be overseeing the fueling purchases. A PO will be established with Mid Pac Petroleum to purchase fuel. The PO will be approved by the DAR Program Manager and DLNR Chairperson.

REQUEST FOR EXEMPTION FROM CHAPTER 103D, HRS (Cont.)

12. A list of agency personnel, by position, who will be involved in the approval process and administration of the contract:		
Name	Position	Involvement in Process
Sarah Courbis -N	Operations Coordinator	<input type="checkbox"/> Approval <input checked="" type="checkbox"/> Administration
Robert Nishimoto -N	Program Manager	<input checked="" type="checkbox"/> Approval <input type="checkbox"/> Administration
Brian Kanenaka -N	Aquatic Biologist	<input checked="" type="checkbox"/> Approval <input type="checkbox"/> Administration
William Aila -N	Chairperson	<input checked="" type="checkbox"/> Approval <input type="checkbox"/> Administration
Elia Herman -N	Co-Manager	<input type="checkbox"/> Approval <input checked="" type="checkbox"/> Administration
		<input type="checkbox"/> Approval <input type="checkbox"/> Administration

13. Direct inquiries to: Department: DLNR/DAR
 Contact Name: Sarah Courbis
 Phone Number: 808-485-9734
 Fax Number: 808-587-0115

Agency shall ensure adherence to applicable administrative and statutory requirements

14. *I certify that the information provided above is, to the best of my knowledge, true and correct.*

Gay H. Iahukula 10.11.11
 Department Head Date

Reserved for SPO Use Only

15. Date Notice Posted 10/17/11

The Chief Procurement Officer is in the process of reviewing this request for exemption from Chapter 103D, HRS. Submit written objections to this notice to issue an exemption from Chapter 103D, HRS, within seven calendar days or as otherwise allowed from the above posted date to:

Chief Procurement Officer
 State Procurement Office
 P.O. Box 119
 Honolulu, Hawaii 96810-0119

Chief Procurement Officer's comments:

Approval is granted from 01/21/12 to 05/31/12. This approval is for the solicitation process only, HRS section 103D-310(c) and HAR section 3-122-112, shall apply and award is required to be posted on the Awards Reporting System.

As a reminder, individual(s) participating in procurement activities are required to be in compliance with Procurement Delegation No. 2010-01 and Amendment 1, and Procurement Circular No. 2010-05, *Statewide Procurement Training*, as appropriate. The SPO does not have a record of attendance at the appropriate mandatory procurement training for the persons identified in no. 12. By e-mail to SPO staff, Mr. Dennis Takahashi and Ms. Juliet Kazanjian will be responsible for this request.

16. APPROVED DISAPPROVED NO ACTION REQUIRED

David J. Taylor 11/2/2011
 Chief Procurement Officer Date